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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DENIS LESTER ADAMS,

12 Plaintiff,

13 v.

14 DEPARTMENT OF SOCIAL AND
15 HEALTH SERVICES, WASHINGTON
16 STATE ATTORNEY GENERAL,
17 THURSTON COUNTY SHERIFF
18 DEPARTMENT, OLYMPIA POLICE
19 DEPARTMENT, OLYMPIA PUBLIC
20 SCHOOL DEPARTMENT, OLYMPIA
21 KIWANIS CLUB,

22 Defendants.

Case No. 08-5685RJB

ORDER DENYING
PLAINTIFF'S REQUEST FOR
APPOINTMENT OF COUNSEL

23 This matter comes before the Court on Plaintiff's Request for Court Appointed Legal
24 Assistance (Dkt. 16). The Court has considered the pleadings filed in support of and in
25 opposition to the motion, and the remainder of the file herein.

26 On November 24, 2008, Plaintiff, *pro se*, filed a Complaint, alleging that the defendants
27 negligently and improperly investigated child and sex abuse allegations. (Dkt. 3). The Plaintiff is
28 proceeding *in forma pauperis*. Dkt. 2. On December 29, 2008, Defendants Department of Social
and Health Services and Washington State Attorney General, filed a Motion for More Definite
Statement. (Dkt. 10). On January 16, 2009, Plaintiff filed this current motion asking for
appointment of counsel. (Dkt. 16). On January 23, 2009, this Court granted Defendant's Motion

1 for More Definite Statement. (Dkt. 14). On February 05, 2009, Plaintiff filed an amended
2 complaint that is substantially similar to the his original complaint. Dkt. 20.

3 The Court may appoint counsel under 42 U.S.C. § 1915(d) only under “exceptional
4 circumstances.” *Terrell v. Brewer*, 935 F.2d 1015, 1017 (1990). “A finding of exceptional
5 circumstances requires an evaluation of both the likelihood of success on the merits and the ability
6 of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues
7 involved. Neither of these factors is dispositive and both must be viewed together before reaching
8 a decision.” *Id.* (*internal citations omitted*).

9 Plaintiff’s request for appointment of counsel should be denied. At this stage in the
10 litigation, there has not been a sufficient development of the facts to establish whether Plaintiff
11 will likely succeed on the merits. However, based on Plaintiff’s pleadings, he appears to be
12 having difficulty adequately articulating his claims in light of the legal issues involved.
13 Nevertheless, when the two factors are viewed together, the Plaintiff’s situation does not rise to
14 the “exceptional circumstances” standard.

15 Therefore, it is hereby, ORDERED that the Plaintiff’s Request for Appointment of
16 Counsel (Dkt. 16) is DENIED.

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
18 to any party appearing *pro se* at said party’s last known address.

19 DATED this 17th day of February, 2009.

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22 ROBERT J. BRYAN
23 United States District Judge
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